

Noise Taskforce Citizen Meeting September 2, 2021

Meeting of Noise Task Force – Citizens Meetings held via WebEx was called to order at 6:02 p.m. by Deputy Director Amin Tohmaz.

Amin Tohmaz began meeting by sharing spreadsheet on screen and giving an update of Task Force issues. The starting point is to understand what we are required to do in the CCR, which is Council Consideration Request. On March 15, 2021, former Councilman Trevino of District 1 and Councilman Perry from District 10 proposed this CCR. Their main focus was to create a noise ordinance task force team to review Chapter 21, which is an existing ordinance regarding noise. The task force consists of fifteen members. The main task is to review the noise ordinance in reference to noise levels, to look at quiet times and to look into enforcement. One of the biggest items is low frequency noise. Lastly, we will discuss the Entertainment Zone based on the Unified Development Code.

Today, SAPD is the entity that enforces the noise ordinance. Development Services/Code Enforcement are going to work with the police department to start addressing violations. If you call 311 or SAPD non-emergency number about loud noise, they will dispatch a police officer. Normally it is the area S.A.F.F.E. officer, but if they are not available it will be I.C.E. If both of them are not available, a regular patrol officer will be dispatched. When they get the call, they will investigate the complaint and if they need a noise meter, they will get one. Depending on the reading will decide what the next step will be. From January 2020 to June 2021, there were over 53,000 calls. Out of those calls, seventy citations were issued. Most of those calls are single family residential units and multi-family apartment units. The reason why the citation number is not high is because the goal is compliance. When the officer shows up to the site and talks to the owner or occupant and tell them to lower the volume and they immediately lower it; then only a warning is issued. After analyzing the data, it was found that in April and May of 2020 and 2021 the numbers were higher. Based on the map of collected data, the noise is not just in one area; it is all around the City. A chart showing this data along with color coded high noise

areas and times of high noise was shared with the citizens and can also be found on the Development Services website.

The task force members are representatives from three different neighborhoods, (Oak Pak, King William and Tobin Hill), five members are from council districts 1, 2, 3, 9 and 10, there is one representative from North St. Mary's Business Association, one Restaurant Association representative, two Food and Beverage Association representatives, one police department representative, one representative from DSD/Code Enforcement and one representative from the City Attorney's Office. The task force has met a few times already to go over issues. Now, they will focus on five or six themes. There have been no recommendations yet to Council. One of the bigger ones is the noise levels; the hours of allowing that noise, low frequency noise/vibrations and where will measurements be taken. The National Standards are also being reviewed. If changes are going to be made to the noise ordinance, they should be in line with the National Standards.

The current code allows residential areas to have noise level of 63 decibels, business properties are allowed up to 70 decibels, industrial properties are allowed 72 decibels and Entertainment Districts are allowed 85 decibels. Daytime hours are from 6:00 am to 10:00 pm Sunday through Thursday and 6:00 am to 11:00 pm Friday and Saturday. One of the themes the task force will be discussing is enforcement; who is going to be responsible, which agency is going to enforce. Will it be the police department code enforcement? The ordinance is not to hurt businesses or good actors, but the bad actors need to be addressed. We are looking at escalation where the first offense is an opportunity to provide education, the second offense is a warning and the third offense will result in a citation. At the beginning of the task force meetings and discussions with SAPD and Councilmembers, the term Entertainment District was being used for a lot of areas in town. Since then, the zoning map was pulled, and the Entertainment Districts are in only four areas of the city; Morgen's Wonderland on the Northeast side, Fiesta Texas on the Northwest, Sea World and The Hyatt Resort on the West. Downtown is not zoned an Entertainment District.

The next step is to keep evaluating the current code and proposals that the task force may come up with. Input is needed from the community. The original goal was to take this to council in October of 2021. The city is going through the 2022

budget review and an item proposed is a pilot program for noise ordinance enforcement. The recommendation is to give Development Services/Code Enforcement some money to pay for overtime to monitor noise complaints three days a week (Thursday, Friday and Saturday), from about 8:00 pm to 4:00 am. The way it is proposed is; Code Enforcement gets the call, they respond the call with noise meters. Code will be trained on the existing code and how to use the meters. If they get to a call and there is a violation, they will call SAPD to issue the citation. This program will be for 90 days; October, November and December.

Discussions

Polly Bone – Lives in district 1 on the edge of The St. Mary's Strip. When she moved into the neighborhood, it was next to an empty lot and a restaurant that was only open to eight o'clock at night. Now, that restaurant has become a bar and is open until at least 2:00 am, Thursday through Sunday. Feels differently about someone having a birthday party at home as opposed to a business that is open every day and violates the ordinance.

Amin Tohmaz – Currently, enforcing the noise ordinance is not high priority for the San Antonio Police Department. The pilot program will allow twenty code officers to work overtime to prioritize the noise calls with meters on hand.

Maricel Stephen – Would like to comment on last comments. When you move into an area that has changed and has bars like St Mary's Strip, it is very distressing. Also lives in district 1 in Midtown and had a similar problem a residential property. It took several other residents making calls and contacting the police chief to get something done. In the two years on making the calls, was constantly told that there was no violation because it was his private property. The police officers do not know the ordinance and are not trained on how to enforce the ordinance.

Amin Tohmaz – Education is important. To educate the team that is going to go out there and to educate the folks in violation is important. The current code does allow the police officer to issue a citation without a meter using Section 21-52.

Krystal Jones – Would like clarification on the time line. It was said that the recommendation will go to Council in October before the pilot program starts. Is the recommendation for the pilot program or is it to make changes in the code? Would also like to know what determines an Entertainment District and how do they get distinguished.

Amin Tohmaz – The original CCR was to come up with recommendations by October, but if the pilot program is approved there will be a hold until January or February to make presentation to council.

Phillip Nelson – Business owner in district 1 and entertains a lot of high-end clients in San Antonio. One of the things his clients love about San Antonio is what he thought were entertainment zones, but are not; South Town, venues on the St. Mary's Strip, the Riverwalk downtown. It is possible to protect those businesses in the St. Mary's Strip and in South Town to designate them as Entertainment Zones. Has a lot a business in Austin, Texas as well and one of the challenges there is that everyone looks at 6th Street as one of the gems of Austin. There are twenty different bands playing on 6th Street and that has brought a lot of people to Austin. Now there are condos being built near and above the venues and the noise is an issue now. This really hurts the businesses. St. Mary's Strip and South Town are important parts of San Antonio and would hate to see what happened in Austin, happen in San Antonio. The small businesses are struggling to keep their doors open.

Melissa – Does not understand how the citation works and does not know what the incentive is for businesses to comply. The community does not want to shut down businesses. The businesses that support the community and are respectful and do not have repeat citations will have community support. The businesses that do violate, have the police officers come out and tell them to turn the volume down. They turn the volume down and then thirty minutes after the police leave, they turn the music back up.

Joe Delvecchio - Board of Directors for Loma Mesa, In the six years of monitoring noise complaints, it was found the noise was from outside speakers. Almost all HOA's have rules against outside music, but there are no teeth in the enforcement.

Patrick Conroy – King William resident in district 1. Enforcement is a bad joke, whether it's SAPD having higher priorities, whether it's the unavailability of calibrated noise meters or whether it's the cat and mouse games certain venues play. Amplified noise is a new thing. Outdoor amplification was not a problem when he moved into his neighborhood. Technology has changed, and electronics are cheaper and lighter. The current code already has a standard. There is a fixation on meter readings. Section 21-52 does not require a meter reading. Will fight anyone who want to make King William an Entertainment District.

Michael Gomez – Would like to suggest that outdoor bars and venues be limited to smaller speakers or no sub-woofers. The issue is there is a bar in his community that is within the legal decibel readings after hours, but the vibrations are a problem. How will the task force handle that?

Robert Stancliff – When doing the pilot programs, are the code officer going to concern themselves with decibel levels or are they going to concern themselves with what the ordinance says which includes sub-woofer noise.

Michael Uresti – Informed listeners of upcoming meetings and thanked everyone for being cordial online giving speakers an opportunity to ask questions and make comments.

Meeting adjourned at 7:15 pm